IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

–

WRIT PETITION NO : 29527 of 1997

Between:

1. The Tribal Labour Contract coop.society Ltd.

Bamgarujalu Village, Palwancha Man, Khammam District

Rep.by its President S.Bhadraiah.

2. The Tribal Labour Contract Coop. Society Ltd. Regalla

Village, Kothagudem Mandal, Khammam District, Rep.by

its President Vamkudath Umta.

3. The Pedhammathalli Tribal Labour Contract coop. Society

Ltd., Thallagommuru Village, Burgampahad Mandal,

Khammam District, Rep.by its President Sunnam

Bhadraiah.

.... PETITIONERS

AND

1. The Superintending Engineer, R&B, Circle, Warangal.

(dismissed for default as per Court orders dated 4.9.2000 as against respondent No.1.)

2. The Superintending Engineer, Panchayat raj Circle,

Khammam

3. The Superintending Engineer, I&CADD, Irrigation Circle,

Warangal.

4.The Commissioner, Palwancha Municipality, Khammam

District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money Deposits, Commercial Tax Clearance Certificate or imposing any condition or Experience Certificate in connection with all tender notices scheduled to be issued on or after 01.10.1997 as illegal, arbitrary and unreasonable and consequently direct the respondents not to insist payment of Earnest money deposit upto any value of work, commercial Tax clearance certificate from the petitioners at the time of allotment of works in tender notices issued on or after 1.10.1997 and issue tender schedules to the petitioners in all tender notices issued on or after 1.10.1997 irrespective of condition of all type of work experience and district in whichever they register.

Counsel for the Petitioners: MR KUMAR REDDY ANJIREDDY(not present)

Counsel for the Respondents 1 to 3: G.P for Roads and Buildings(not present)

Counsel for the Respondent No.4:Mr G.Rama Ra (not present)

The Court made the following:

ORDER:

By this Writ Petition the petitioners, in effect, seek a direction to the respondents not to insist them for payment of earnest money deposit and production of Commercial Tax Clearance Certificate and also experience certificate at the time of allotment of works or issuance of tender schedules in connection with all tender notices scheduled to be issued on or after 01.10.1997 disregarding any condition of experience and irrespective of District in which they are registered.

None appears for the petitioners as well as the respondents.

While admitting the Writ Petition on 07.11.1997, this Court passed interim order in W.P.M.P.No.34493 of 1997 directing the respondents not to insist the petitioners for payment of earnest money deposit up to any value of the work, and production of Commercial Tax Clearance Certificate and also experience certificate from the petitioners at the time of allotment of works or issuance of tender schedules.

The main relief and the interim relief sought for by the petitioners are one and the same. It is not known whether by virtue of the interim order, the case of the petitioners has been considered. Be that as it may, by virtue of interim order, which is akin to the main relief, no orders are required to be passed in this Writ Petition.

Accordingly, the Writ Petition is dismissed as having become infructious. No costs.

30-03-2005

kvrm

To

1. The Superintending Engineer, R&B, Circle, Warangal.

2. The Superintending Engineer, Panchayat raj Circle, Khammam

3. The Superintending Engineer, I&CADD, Irrigation Circle, Warangal.

4.The Commissioner, Palwancha Municipality, Khammam District.

5. 2 CCs to G.P. for Roads and Buildings, High court of

A.P., Hyderabad (OUT)

6. 2 CD copies.